

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOE, Individually and as
Next Friend of JULIE DOE, a minor,

Plaintiff,

v.

ROCHELLE TERRY,

Defendant.

Case No. 23-cv-10028

F. Kay Behm

United States District Judge

ORDER DENYING MOTION TO DISMISS (ECF No. 7) AS MOOT

On January 5, 2023, Plaintiff Jane Doe filed a complaint on behalf of herself and her minor daughter Julie Doe against Defendant Rochelle Terry. (ECF No. 1). Plaintiff argues Defendant's actions were grossly negligent and substantially increased the risk that Jane and Julie Doe would be physically harmed, in violation of their 14th Amendment due process rights. *Id.* On March 15, 2023, Defendant filed a Motion to Dismiss Plaintiff's Complaint. (ECF No. 7).

Subsequently, on March 16, 2023, without opining as to the merits of Defendant's motion, the court entered an order giving Plaintiff the opportunity to amend her complaint within 14 days of the court's order or within the time remaining to respond to the motion, whichever is longer. (ECF No. 8). The order

also advised that the court would decide the motion on the merits if Plaintiff elected not to amend her complaint. *Id.* The order further explained that if Plaintiff filed such an amendment, the court would dismiss Defendant's motion as moot. *Id.* On April 4, 2023, within the window provided by the court, Plaintiff filed her First Amended Complaint. (ECF No. 11). Accordingly, the court will **DENY** Defendant's motion to dismiss (ECF No. 7) as moot. Defendant has 14 days from the date of service of the amended complaint to answer or otherwise respond.

IT IS SO ORDERED.

s/F. Kay Behm
F. Kay Behm
United States District Court Judge

Dated: April 6, 2023